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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.4483 of 2006

PETITIONER Virendra Kumar Pathak s/o Late Shri Sadanand Pathak, aged about 47 years, Registered Owner of Bus No. CG-15-ZA/0308 r/o Darripara, Ambikapur, District Surguja, C.G.

Vs.

RESPONDENTS

1. The State of Chhattisgarh, Secretary, Home Department, D.K.S. Bhawan, Raipur, C.G.
2. The Senior Superintendent of Police, Bilaspur, At & Post Bilaspur, District Bilaspur, C.G.
3. The Station House Officer, Civil Lines Police Station, At & Post Bilaspur, District Bilaspur C.G.
4. The Chairman-cum-Managing Director, Shri Ram Finance Company Ltd., Ayappa Street, Chennai, District Chennai, Tamilnadu.
5. The Branch Manager, Shri Ram Finance Compnay Ltd., Rajiv Plaza, Near Bus Stand, AT & Post Bilaspur, District Bilaspur, C.G.

Present : Shri A.K. Prasad, learned counsel for the petitioner.
Shri Yashwant Singh, learned G.A. for respondents 1 to 3.

ORAL ORDER
(Passed on 24th August, 2006)

To put the grievance of the petitioner, in crux is that the 5th respondent without any manner of right or interest in the bus owned by the petitioner highhandedly seized the same on 01/09/2004 when it was coming to Bilaspur from Ambikapur, carrying passengers, and that despite lodging a complaint with the jurisdictional police, no action was taken against the 5th respondent. So alleging, the petitioner has sought for the following reliefs:

"7. Relief(s) Sought:

61

(i). That the respondent no.2 and 3 may kindly be directed to take action on the F.I.R. lodged by the petitioner.

(ii) That necessary action may kindly be taken against respondent no.5 who without there being any authority of law, has detained the Bus and he may kindly be directed to release Bus No.CG-15-ZA/0308.

(iii) That action may kindly be taken against the police personnel who have not taken any action on the F.I.R. lodged by the petitioner.

(iv) Any other relief deemed fit in the present facts and circumstances of this case may also be awarded to the petitioner."

(2) It is needless to state that the dispute brought before the Court does not involve enforcing any public law obligation. If the fifth respondent without any manner of right and legal justification had seized and detained the motor-vehicle owned by the petitioner, it is open for the petitioner to work out private law review remedies before the jurisdictional civil Court and/or prosecute him in a criminal law Court if the complained act is an offence. Reserving that liberty to the petitioner, the writ petition is dismissed. No costs.

Sd/-
Chief Justice

Brajesh